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Birch Stewart Kolasch & Birch
PO Box 747
Falls Church, VA 22040-0747

In re Application of
TOHDOH, Naoki, et al.
Application No.: 09/807,470
PCT No.: PCT/JP99/05631
Int. Filing Date: 13 October 1999
Priority Date: 13 October 1998
Docket No.: 0020-4850P
For: NOVEL PROTEIN WAR-1 AND
GENE THEREOF

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to "Request For Corrected Notice of Acceptance," filed with the United States Patent and Trademark Office on 07 April 2003, requesting that the date under 35 USC 371 be changed from 06 December 2002 to 04 May 2001.

BACKGROUND

On 13 October 1999, applicants filed international application PCT/JP99/05631, which claimed a priority date of 13 October 1998. A demand for international preliminary examination was filed on 30 March 2000. A copy of the international application was transmitted to the United States Patent and Trademark Office on 20 April 2000 from the International Bureau. The deadline for entry into the national stage in the United States was 13 April 2001.

On 13 April 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 04 May 2001, applicants submitted an executed declaration.

On 09 May 2001, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) and a sequence listing were required.

On 11 June 2001, applicants submitted a letter indicating that the filing requirements of the Notification of Missing Requirements had been satisfied by the 04 May 2001 submission.

On 12 February 2002, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) indicating that the application's 35 USC 371 dates were 04 May 2001.

On 06 November 2002, the Office mailed Notification of Defective Response (Form

PCT/DO/EO/916) and Withdrawal of Previously Sent Notice, indicating that the previously issued Notice of Acceptance issued in error and that a translation of the drawings into English and the processing fee for late submission of the translation were required.

On 06 December 2002, applicants submitted "Letter Submitting Documents For Completion of an Application," accompanied by translated drawings and the surcharge for late submission of the translation.

On 21 March 2003, the Office mailed Notice of Acceptance (Form PCT/DO/EO/903) and a Filing Receipt indicating that the application's 35 USC 371 dates were 06 December 2002.

DISCUSSION

The requirements under 35 U.S.C. §371(c) are submission of: (1) the national fee; (2) a copy of the international application; (3) a translation of the application if it is not in English; and (4) an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b). 35 U.S.C. §371(c).

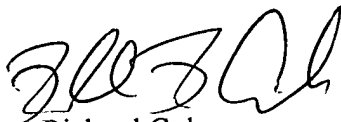
The national fee and a copy of the international application were received by 13 April 2001. An executed declaration was received on 04 May 2001. A complete translation of the application was received on 06 December 2002. As such 06 December 2002 is the date on which all the requirements of 35 USC 371 were satisfied, as indicated on the Notice of Acceptance.

CONCLUSION

As discussed above, the request for a corrected Notice of Acceptance (Form PCT/DO/EO/903) is **REFUSED**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to Technology Center 1600 for continued processing.



Richard Cole
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459